

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
October 4, 2006**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 12:05 p.m., October 4, 2006, in the Supervisors' Conference Room, 301 West Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1, Andrew Kunasek, District 3, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Chris Keller, Chief Counsel, Civil Division; and Vicki Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

SHERIFF'S OFFICE SPACE NEEDS

Presentation of the Sheriff's Office space needs (ADM3900-003) (ADM1820)

David Hendershott, Chief Deputy, Sheriff's Office
Loretta Barkell, CFO, Sheriff's Office

Loretta Barkell and David Hendershott presented the review of space planning needs for the Sheriff's Office taken from their Office Master Plan that he said is very near completion. Chief Hendershott listed the buildings that are affected by this planning: First Avenue Jail, Madison Street Jail, the Sheriff's Warehouse and the Durango Complex offices. He added that Court Operations and the proposed Court Tower will also have an effect on the future plans and needs of the Sheriff's Office, as will the need to get out of leased space and into County-owned buildings to facilitate operations and to save money. He gave an overview of proposed changes for the downtown area as well as the Durango site. Chief Hendershott explained that each of the named sites have specific equipment and storage needs that are not typical to other office environments. He spoke of the improvement in the average length of stay of prisoners with an estimated decrease of 8,600 "man days" of jail-time already achieved. This was done through coordination with the courts, the County Attorney's Office and the Department of Corrections.

~ Supervisor Wilcox entered the meeting ~

Chairman Stapley thanked Chief Hendershott for an excellent presentation and said that the purpose of these reports is a culmination of decision making on capital needs of the County and explained that many people have been working on this problem for many months.

In response to a question from Supervisor Kunasek, Loretta Barkell said the Sheriff's Office Master Plan should be completed by the end of October and that today's report and handout were taken from the final draft stage of the plan.

Supervisor Brock asked Mr. Hendershott to prepare an update for him on the Computer Crimes Unit since it had been years since he has heard about its current status.

COURT'S SPACE NEEDS

Presentation of the Trial Court's space needs

Barbara Mundell, Presiding Judge, Superior Court

Judge Mundell outlined and explained three points related to court system's needs that are imperative for the success of the plan and are intended to provide direction to the year 2015. (ADM1100-003) (ADM1820)

- It is imperative that the County follow the master space plan and building projects

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- Continuation of building regional court facilities and also a downtown court tower
- A systemic restorative justice model is needed for defendants and for victims

She said this explanation projects the needs of the courts to serve a population growth of 4.7 million and the resulting case-load increase. She explained that co-location of the regional court facilities has already helped tremendously. It has made economic sense and provides improved customer service. She looks forward to the implementation of the Southwest Regional Court facility to serve that area of the County and also the finalization of the Southeast Regional Court facility. She added that a strong cooperative push to minimize the number of jail days for prisoners has produced good results and cut costs.

Current criminal court filings number 39,000 and the projection is for 55,000 by 2015. Ninety criminal trials were held in August 2006, in August 2005 there were 58. Some of the 90 trials were heard by civil judges who have had to rotate their caseload to help in the criminal courts on a weekly basis. In addition to the lack of courtroom space available each week, a correlating problem to the increased number of trials is a lack of jurors and having enough space to call for an increased number of jurors. Currently only three out of ten jurors selected come down to serve.

Supervisor Wilson asked about holding night courts. Judge Mundell said that two night courts would be starting in January, one in Juvenile Court and the other in Family Court. This service will be expanded, not only for night courts but in holding court on Saturdays as well, as an accommodation to the public. She said she hesitates to ask jurors to spend their time at night or weekend courts because of the hardship with their families. However, she said that 60% of cases do not need jurors.

She reported on the renovation of the East Court Building, for safety reasons because asbestos was used in the construction. Renovation has slowed because of the need to close court rooms on each floor during construction changes, and the courts can only afford to lose as few rooms as possible during any given period of time.

Judge Mundell spoke of the many things that are important to incorporate in a Court Tower, when it is planned and built, to make downtown a full-service court facility. She explained that having all services located in one building will save dollars and time and enforce accountability because it will allow people to accomplish all necessary tasks without having to relocate to find the place they need. Traveling to different locations for different services is difficult for many people despite the fact that an effort has been made in the expansion to locate court facilities on or near bus routes and freeways. She said it is extremely important to include the Clerk of Court and the Sheriff in all of the planning processes as expansion of their services will also be necessary as the courts expand services. She asserted the Court's commitment to working with the County and other stakeholders in this expansion process.

Supervisor Brock thanked Judge Mundell for her clear and concise presentation and said that the Board recognizes that court and jail needs "are exploding." He asked for a comparison of the number of trial assignments for judges and commissioners as compared with other Arizona counties and the Chairman asked that this include benchmark counties with comparable populations. Supervisor Brock explained that legislators often ask for such comparisons and Judge Mundell said she would forward this information to him. He also asked about the number of continuances in Superior Court and his final question was to ask for any suggestions on remedying the juror situation.

Judge Mundell gave information on the last question, saying there was capacity for 350 jurors in the downtown jury assembly room and there currently are 350 prospects called for the morning assembly and another 350 called for the afternoon. Typical jury trials are started on Monday, Tuesday and Wednesday,

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when the assembly room is at full capacity. Many trials end on Thursday or Friday. She said that a plan is formulating to pick juries on Thursday and Friday for Monday morning trials, because the jury room is relatively empty on those days.

Supervisor Brock asked if Judge Mundell's recommendation would be to expand the jury assembly room to hold 500. Her response was that it depended on how many courtrooms are built. She said that juries are needed for some civil cases as well as for criminal cases. A projection of jurors cannot be made until it is decided how many courtrooms will be available for trials.

Mr. Brock also expressed concern about the many weapons that are taken from the public through security checks as they enter the courts buildings. He asked if there was a need to mimic federal statutes wherein weapons are confiscated and not returned. He said that here weapons are returned to people when they leave. "If you go to the airport or a federal building with a knife or gun, they 'own it'. You don't get it back." She agreed that it could be lobbied to have changes made.

Supervisor Kunasek disagreed saying, "I feel very strongly about the right to carry firearms for you own personal protection." He said there are 92-94 court divisions now and asked Judge Mundell how many were needed. The response referenced a plan for 197 commissioners and judges for Superior Court by 2015.

Location of the Court Tower and a court complex was discussed briefly, however, Chairman Stapley said it was too soon to consider that question but it would be considered in the near future.

Supervisor Wilson commented on his perception that it is unfair for one group of citizens to have to pay all the costs, both defense and prosecution costs, for another group of citizens who cause all the expense by breaking the law. Mr. Wilson contended that, considering the escalation of crime in recent years, sooner or later those who pay for it all will be forced to stop, and he asked what happens then. Judge Mundell said that in a democracy everyone is provided due process in the Constitution and one group providing payment for the wrongdoings of the other group is one part of that process.

Chairman Stapley thanked Judge Mundell for her time and excellent presentation. He added that in the 12 years he has served as a Supervisor, "We have never been in a better position to move forward, together with the Sheriff and Courts, in streamlining and building efficiencies into the criminal system." He felt the County is poised for great progress in reducing time and costs and streamlining the use of taxpayer dollars to provide safety to citizens.

Supervisor Wilcox affirmed the County's commitment but asked the Courts to be flexible with the terms of the long range plans made in the past, "as there are always better ways to do something."

CAPITAL IMPROVEMENT PROGRAM PRIORITIES

Discussion by the Board of Supervisors on Capital Improvement Program priorities. (ADM1820)

David Smith spoke about costs and growth in the future. He said that historic and projected felony case files for the years from 1996 to 2016 show an average increase of 20,000 filings every ten years. He identified this as "the number we want to aim at and lower." He cited ways to accomplish this reduction as Goal one: internally, through probation, the Alpha program, methamphetamine education and enforcement, other crime prevention programs, community initiatives, teen courts, etc. – saying that all of these things working in tandem can "help save us from the horrific cost of institutionalization." This is the most expensive thing

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that government does, bar none, whether it is institutionalization for teens, adults or the elderly in long term care facilities. The next most expensive thing is having to have special facilities that are labor intensive for these groups, such as the courts.

Mr. Smith said that goal two would be to get offenders to pay as much of an appropriate share of their court costs as possible, "and we're making progress on that." Judge Mundell has started an indigent screening court for people who are indigent but can pay something – a partial payment on their public defender, that is generating tens of thousands of dollars. This will be a partial return for the \$72 million that these processes cost. People on probation will pay for their probation costs. He explained that aggressive collections are higher this past year than ever before. They include justice court fines, county attorneys resolving more cases with fines and less incarceration and probation. Overall, there is a greater push on the financial side for law breakers to pay part of the financial costs. Mr. Smith said that Justice Courts may even become self-sufficient on a cash basis. He added that wherever revenue can be generated through appropriate fees, this will be done to hold down the net taxpayer burden.

He explained that whatever the growth rate is projected to be there will still be a need for capital improvements and – it always comes in higher than projected. He said that both capital and "business convenience financing" will be used to pay for future expansion. He explained, "This is our strategy and it is consistent with the seven elements in the Board's strategic plan. What we have to do now is execute." He said that the plan is to work the market to get value for every thing that is built and for every dollar that is spent. He promised that the County will continue to stay balanced within the long-term fiscal structure that has been accepted for the next five years.

Mr. Smith also commented on weapons at County buildings. He said there is a legal obligation to provide storage space for every registered weapon that is found and lockers have been purchased for that, to comply with recent legislation.

Chairman Stapley called for a vote on the three following action items, and/or for discussion on any or all of them.

Supervisor Wilcox stated that these three issues, "are ones that will set our future for many years." She thanked David Smith for providing good input and quality discussions on strategies and options to consider during the past weeks. She moved approval of the three action items and Supervisor Kunasek seconded her motion.

Supervisor Wilson asked to first have an explanation of the costs given in these items and if these costs were projected to include inflation.

Mr. Smith responded, "This number is the aggregate of the known projects that have been discussed previously. A little room has been left for discretionary projects – but not much – and even that might be eaten up by inflation. This is a generous amount given the market that we are in." He said that the next phase of discussions on this spending will have dollar amounts on the various projects and a projection on the percentages of cash or loans that would be needed to complete them. "Today we just want to set a limit on our aspirations for doing capital, and assure that we're all on the same page and within the same discipline."

Mr. Wilson expressed caution in approving the following items when there was no certainty on inflation and ultimate cost. "I can't tell you what we're going to spend the money on, that you're asking me to vote for. I'm uncomfortable doing that."

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Chairman Stapley referred to a comment made to him by Supervisor Kunasek, "to make sure to stress that this is just the framework, and within that framework there are still a lot of decisions to make and a lot of work to do." Mr. Smith added that these items aren't an agreement to spend specific dollar amounts, as that can't happen until there is discussion on a specific project and a projected cost given for it.

Chairman Stapley took this opportunity to call attention to agenda item #6 "Early CIP Debt Retirement" (see below). He explained that this item directs OMB to devise a policy specific to the retirement of all debt as quickly as possible. He said that in looking forward, the County policy will pay off debt with any excess funds that are available at a pace that is as accelerated as possible. "That's always been our philosophy and this reiterates our 'pay as you go' philosophy to the extent we can, under this new capital arrangement."

FIVE-YEAR GENERAL FUND CAPITAL IMPROVEMENT PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to direct staff to develop a coordinated five-year General Fund Capital Improvement Program (CIP) with a current funding limit of not to exceed \$758,000,000 (in addition to funding allocations approved to date). The CIP funding limit is to be financed by a combination of accumulated fund balance and debt supported by General Fund operating revenues. Debt issuance is to be for a term of no longer than 25 years with annual debt service of not to exceed \$35,000,000. (ADM1820)

BUDGET ADJUSTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to direct the Office of Management and Budget to make the necessary adjustments in fund designations, fund transfers, and appropriated budgets in the FY 2006-07 budget to carry out the funding plan for the Capital Improvement Program. (ADM1820)

EARLY CIP DEBT RETIREMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (5-0) to direct the Office of Management and Budget to include a goal of early retirement of any Capital Improvement Program (CIP) debt by earmarking a portion of growth in operating revenues and additions to accumulated fund balance in the FY 2007-08 Budgeting for Results Guidelines and Priorities. (C4907011800) (ADM1800) (ADM1820)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board